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SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS

Excerpt from the report of the Commission on Human Rights on its fifty-second session (Geneva, 18 March-26 April 1996)**

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* E/1996/100.

** The present document is a mimeographed version of chapters I and II of the report of the Commission on Human Rights on the work of its fifty-second session (Geneva, 18 March-26 April 1996) and contains the draft resolutions and decisions recommended for adoption by the Economic and Social Council and the resolutions and decisions adopted by the Commission at that session. The complete report will be issued as Official Records of Economic and Social Council, 1996, Supplement No. 3 (E/1996/23).

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I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

I. Question of human rights and states of emergency

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1996/36 of 19 April 1996 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1995/33 of 24 August 1995, entitled "Question of human rights and states of emergency",

1. Approves the request of the Sub-Commission to the Special Rapporteur on human rights and states of emergency, Mr. Leandro Despouy, to fulfil his mandate, in particular relating to (a) the updating of the lists of States which have proclaimed, extended or terminated a state of emergency; (b) the submission of conclusions and recommendations concerning non-derogable rights in states or situations of emergency; and (c) the continuation of his consultations on the establishment of a database on states of emergency and related human rights questions;

2. Requests the Secretary-General to provide the Special Rapporteur with the necessary human and material resources to fulfil his mandate.

[See chap. II, sect. A, resolution 1996/36, and chap. VIII.]

II. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1996/37 of 19 April 1996,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-third session of the Commission in order to continue the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Requests the Secretary-General to extend to the working group all the necessary facilities for its meetings and to transmit the report of the working group (E/CN.4/1996/28) to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned.

[See chap. II, sect. A, resolution 1996/37, and chap. VIII.]

III. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1996/38 of 19 April 1996,

1. Authorizes the open-ended inter-sessional working group of the Commission on Human Rights established in accordance with resolution 1995/32 of the Commission on Human Rights to meet for a period of 10 working days prior to the fifty-third session of the Commission, the costs of the meeting to be met from within existing resources;

2. Requests the Secretary-General to extend all necessary facilities, from within existing United Nations resources, to the working group for its meetings.

[See chap. II, sect. A, resolution 1996/38, and chap. XXIII.]

IV. Protection of the heritage of indigenous people

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1996/63 of 23 April 1996 and resolution 1995/40 of 25 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Requests the Secretary-General to transmit the final report of the Special Rapporteur on the protection of the heritage of indigenous people, Mrs. Erica-Irene A. Daes, with its annex, as soon as possible to Governments, specialized agencies, indigenous people's communities and organizations, and intergovernmental and non-governmental organizations concerned, for their comments;

2. Requests the Special Rapporteur to prepare a supplementary report on the basis of the comments and information received from Governments, indigenous communities and other organizations concerned and to include in it a chapter concerning relevant activities undertaken in other forums, such as the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations, the World Intellectual Property Organization and the World Trade Organization, and to take into consideration, inter alia, the Convention on Biological Diversity, the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa and other relevant international instruments;

3. Also requests the Special Rapporteur to submit her supplementary report to the Sub-Commission at its forty-eighth session;

4. Requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance to enable her to carry out her mandate and to complete the study successfully;

5. Decides that the basic and comprehensive study prepared by the Special Rapporteur on the protection of the cultural and intellectual property of indigenous people (E/CN.4/Sub.2/1993/28) shall be published in all official languages and disseminated widely.

[See chap. II, sect. A, resolution 1996/63, and chap. XXIII.]

V. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1996/81 of 23 April 1996,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of one week prior to the fifty-third session of the Commission in order to continue work on the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Requests the Secretary-General to extend all necessary facilities, within existing United Nations resources, to the working group for its meetings.

[See chap. II, sect. A, resolution 1996/81, and chap. XIX.]

B. Draft decisions

1. Situation of human rights in Burundi

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/1 of 27 March 1996:

(a) Approves the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Burundi for one year;

(b) Endorses the Commission's request to the Special Rapporteur to report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session.

[See chap. II, sect. A, resolution 1996/1, and chap. X.]

2. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/8 of 11 April 1996, approves the Commission's requests to the Secretary-General:

(a) To publish and distribute as soon as possible the model legislation on racism and racial discrimination for the guidance of Governments in the enactment of further legislation against racial discrimination;

(b) To include the activities for the Third Decade not implemented in the 1994-1995 biennial programme in the future programme for the Decade and to provide the resources necessary for it;

(c) To ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 1996-1997.

The Economic and Social Council, at the recommendation of the Commission, also requests the Secretary-General to take the necessary measures in order to transmit to the General Assembly at its fifty-first session the results of his consultations with Member States and intergovernmental as well as non-governmental organizations on the possibility of holding a world conference to combat racism, racial discrimination, xenophobia and related contemporary forms of intolerance.

[See chap. II, sect. A, resolution 1996/8, and chap. XII.]

3. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/11 of 11 April 1996, approves the Commission's recommendation to the Centre for Human Rights to convene, as a follow-up to the 1993 seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights, expert seminars focused on specific economic, social and cultural rights with a view to clarifying the particular content of these rights.

[See chap. II, sect. A, resolution 1996/11, and chap. V.]

4. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/12 of 11 April 1996, approves the Commission's request to the Secretary-General to establish a programme unit in the Centre for Human Rights for the promotion of economic, social and cultural rights, in particular those related to the debt burden of developing countries and the implementation of the right to development.

[See chap. II, sect. A, resolution 1996/12, and chap. V.]

5. The right to development

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/15 of 11 April 1996, decides:

(a) To consider, in the ongoing discussions on its reform, how best to promote system-wide action to promote and protect the right to development, for example including it for its consideration and conveying its conclusions to relevant international bodies, including the Bretton Woods institutions;

(b) To deepen the review of all issues relevant to the implementation of the right to development, including the promotion of a favourable international and national economic environment.

The Economic and Social Council endorses the Commission's decision to establish an intergovernmental group of experts with a mandate to elaborate a strategy for the implementation and promotion of the right to development, as set forth in the Declaration on the Right to Development, in its integrated and multidimensional aspects, bearing in mind the conclusions of the Working Group on the Right to Development, established by the Commission on Human Rights in resolution 1993/22 of 4 March 1993, and the conclusions of the World Conference on Human Rights and of the four World Conferences (the United Nations Conference on Environment and Development, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women: Action for Equality, Development and Peace).

The Council approves the Commission's decision that:

(a) Such working group be established for a two-year period;

(b) The working group elaborate concrete and practical measures for the implementation and promotion of the right to development and submit a progress report to the Commission on Human Rights at its fifty-third session; the working group shall focus on the development of such a strategy, which should include recommendations for further practical measures for implementation and promotion, and report to the Commission at its fifty-fourth session;

(c) The members of the working group will be appointed on the basis of equitable geographical representation, in consultation with the regional groups, and of their competence and acquired experience in this field; and urges that they accomplish their mandate;

(d) The working group shall be composed of 10 experts, nominated by Governments, to be appointed by the Chairman of the Commission on Human Rights;

(e) The working group experts will be in consultation with the treaty bodies and with the United Nations High Commissioner for Human Rights on all issues relevant to the implementation of the right to development.

[See chap. II, sect. A, resolution 1996/15, and chap. VI.]

6. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/21 of 19 April 1996, approves the Commission's decision to extend for a period of three years the mandate of the Special Rapporteur to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them, and to report on these matters on a yearly basis to the Commission, beginning at its fifty-third session, and the Commission's request that the Secretary-General provide the Special Rapporteur with all the necessary assistance and resources in carrying out his mandate.

[See chap. II, sect. A, resolution 1996/21, and chap. XII.]

7. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/23 of 19 April 1996, approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable him to carry out his mandate, to submit an interim report to the General Assembly at its fifty-first session and to report to the Commission at its fifty-third session.

[See chap. II, sect. A, resolution 1996/23, and chap. XVIII.]

8. Human rights of persons with disabilities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/27 of 19 April 1996, approves the Commission's request to the Secretary-General to report biennially to the General Assembly on the progress of efforts to ensure the full recognition and enjoyment of the human rights of persons with disabilities.

[See chap. II, sect. A, resolution 1996/27, and chap. XV.]

9. Human rights and forensic science

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/31 of 19 April 1996, approves the Commission's requests to the Secretary-General:

(a) To maintain and update the list of forensic experts and experts in related fields who could be requested to help international mechanisms in the field of human rights, Governments and the Centre for Human Rights in providing technical and advisory services, advice in regard to the monitoring of human rights violations and training of local teams and/or assistance in the reunification of families of the disappeared; and

(b) To provide appropriate resources, from within existing overall United Nations resources, to fund the activities of the Centre for Human Rights in implementing Commission resolution 1996/31.

[See chap. II, sect. A, resolution 1996/31, and chap. VIII.]

10. Torture and other cruel, inhuman or degrading treatment or punishment

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/33 of 19 April 1996, approves the Commission's requests to the Secretary-General:

(a) To ensure strict and transparent project management rules for the United Nations Voluntary Fund for Victims of Torture and to arrange for the holding of annual information meetings open to all Member States and organizations directly involved in the projects supported by the Fund;

(b) To ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and technical facilities to ensure the efficient operation and management of the Fund.

[See chap. II, sect. A, resolution 1996/33, and chap. VIII.]

11. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/40 of 19 April 1996, authorizes the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to meet for five working days prior to the forty-eighth session of the Sub-Commission.

[See chap. II, sect. A, resolution 1996/40, and chap. XXIII.]

12. National institutions for the promotion and protection of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/50 of 19 April 1996, approves the Commission's requests to the Secretary-General:

(a) To continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee created by national institutions at the second International Workshop on National Institutions for the Promotion and Protection of Human Rights held at Tunis from 13 to 17 December 1993 during the sessions of the Commission on Human Rights, under the auspices of and in cooperation with the Centre for Human Rights;

(b) To convene, within existing resources, a fourth international workshop on national institutions for the promotion and protection of human rights, to be held, if possible, in Latin America during 1996 or 1997, and to invite Governments and intergovernmental organizations to contribute to the Voluntary Fund for Technical Cooperation in the Field of Human Rights for the purpose of financing, where necessary, attendance by representatives of national institutions.

[See chap. II, sect. A, resolution 1996/50, and chap. IX.]

13. Right to freedom of opinion and expression

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/53 of 19 April 1996, endorses the Commission's decision that the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression should be renewed for a period of three years.

[See chap. II, sect. A, resolution 1996/53, and chap. VIII.]

14. Assistance to States in strengthening the rule of law

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/56 of 19 April 1996, approves the Commission's request to the Secretary-General to submit a report to the General Assembly at its fifty-first session on the results of the contacts established in accordance with paragraph 9 of that resolution, as well as on any other developments pertaining to the implementation of the recommendation of the World Conference on Human Rights referred to in the penultimate preambular paragraph of the same resolution.

[See chap. II, sect. A, resolution 1996/56, and chap. XVII.]

15. Assistance to Somalia in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/57 of 19 April 1996, approves the Commission's request to the independent expert to report to the Commission on Human Rights at its fifty-third session within his mandate and the Commission's request to the Secretary-General to provide adequate resources, from within the regular budget of the United Nations, to fund the activities of the independent expert and the Centre for Human Rights.

[See chap. II, sect. A, resolution 1996/57, and chap. XVII.]

16. Situation of human rights in Haiti

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/58 of 19 April 1996, approves the Commission's request to the independent expert to report to the Commission at its fifty-third session on the development of the human rights situation in Haiti and on the initiation of the technical cooperation programme in the area of human rights.

[See chap. II, sect. A, resolution 1996/58, and chap. XVII.]

17. Assistance to Guatemala in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/59 of 19 April 1996, approves the Commission's request to the Secretary-General to extend the mandate of the independent expert so that she may continue to examine the situation of human rights in Guatemala, taking into account the work of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala, provide assistance to

the Government in the field of human rights, and submit to the Commission at its fifty-third session a report containing, among other items, an evaluation of the measures taken by the Government in accordance with the recommendations made to it.

[See chap. II, sect. A, resolution 1996/59, and chap. XVII.]

18. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/64 of 23 April 1996, approves the Commission's request to the Secretary-General to establish, in accordance with the conclusions of the fourth workshop on regional human rights arrangements in the Asian and Pacific region held in Kathmandu from 26 to 28 February 1996, an open-ended team comprised of representatives of interested Governments of the region and the Centre for Human Rights, which could consult with non-governmental organizations and national institutions to ensure the effective preparation of the next workshop and to facilitate the development of regional arrangements.

[See chap. II, sect. A, resolution 1996/64, and chap. IX.]

19. Composition of the staff of the Centre for Human Rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/65 of 23 April 1996, approves the Commission's request to the Secretary-General to submit a comprehensive report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session on the implementation of the Commission's resolution, including measures adopted and their results, and recommendations for improving the present situation.

[See chap. II, sect. A, resolution 1996/65, and chap. IX.]

20. Situation of human rights in Equatorial Guinea

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/66 of 23 April 1996, endorses the Commission's decision to renew the mandate of the Special Rapporteur on the situation of human rights in Equatorial Guinea for one year, and approves the Commission's request to the Special Rapporteur to report to the Commission at its fifty-third session.

[See chap. II, sect. A, resolution 1996/66, and chap. X.]

21. Human rights situation in southern Lebanon and West Bekaa

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/68 of 23 April 1996, approves the Commission's requests to the Secretary-General:

(a) To bring the resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session on the results of his efforts in this regard.

[See chap. II, sect. A, resolution 1996/68, and chap. X.]

22. Situation of human rights in Cuba

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/69 of 23 April 1996, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Cuba for one year, and approves the Commission's request to the Special Rapporteur to submit an interim report to the General Assembly at its fifty-first session and to report to the Commission at its fifty-third session on the results of his endeavours pursuant to the Commission's resolution.

[See chap. II, sect. A, resolution 1996/69, and chap. X.]

23. Situation of human rights in the Republic of Bosnia and Herzegovina, the State of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/71 of 23 April 1996, endorses the Commission's decisions:

(a) To extend for one year the mandate of the expert for the special process dealing with missing persons, and to request him to continue to report to the Commission on this matter;

(b) To extend for one year the mandate of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia as revised in the resolution.

[See chap. II, sect. A, resolution 1996/71, and chap. X.]

24. Situation of human rights in Iraq

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/72 of 23 April 1996, endorses the Commission's decision to extend for a further year the mandate of the Special Rapporteur on the situation of human rights in Iraq, as contained in Commission resolutions 1991/74 of 6 March 1991, 1992/71 of 5 March 1992, 1993/74 of 10 March 1993, 1994/74 of 9 March 1994 and 1995/76 of 8 March 1995, and approves of the Commission's requests to the Special Rapporteur to report periodically to the Commission on Human Rights on the situation of human rights in Iraq and to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-first session and a report to the Commission at its fifty-third session. The Council also approves the Commission's request to the Secretary-General to provide appropriate additional resources, from within existing overall United Nations resources, to fund the sending of human rights monitors for the purpose set out in paragraph 8 of resolution 1996/72.

[See chap. II, sect. A, resolution 1996/72, and chap. X.]

25. Situation of human rights in the Sudan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/73 of 23 April 1996, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for an additional year, and approves the Commission's request to the Special Rapporteur to report his findings and recommendations to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session.

[See chap. II, sect. A, resolution 1996/73, and chap. X.]

26. Extrajudicial, summary or arbitrary executions

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/74 of 23 April 1996, approves the Commission's invitation to the Special Rapporteur on extrajudicial, summary or arbitrary executions to submit an interim report to the General Assembly at its fifty-first session on the situation worldwide in regard to summary or arbitrary executions and his recommendations for more effective action to combat that phenomenon.

[See chap. II, sect. A, resolution 1996/74, and chap. X.]

27. Situation of human rights in Afghanistan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/75 of 23 April 1996, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year, and approves the Commission's request to the Special Rapporteur to report on the situation of human rights in Afghanistan to the Commission at its fifty-third session and to consider submitting a report to the General Assembly at its fifty-first session.

[See chap. II, sect. A, resolution 1996/75, and chap. X.]

28. Situation of human rights in Rwanda

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/76 of 23 April 1996, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Rwanda, as set out in Commission resolution S-3/1 of 25 May 1994, for an additional year, working in cooperation with the Human Rights Field Operation in Rwanda, and approves the Commission's requests to the Special Rapporteur to make recommendations concerning situations in which technical assistance may be appropriate and to report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session.

[See chap. II, sect. A, resolution 1996/76, and chap. X.]

29. Situation of human rights in Zaire

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/77 of 23 April 1996, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Zaire for an additional year, and approves the Commission's request to the Special Rapporteur to submit at its fifty-third session a report in which he will, inter alia, indicate how the Government of Zaire has taken into account his recommendations.

[See chap. II, sect. A, resolution 1996/77, and chap. X.]

30. Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/78 of 23 April 1996, endorses the Commission's recommendation that the Council consider devoting the coordination segment at its substantive session of 1998 to the question of the coordinated follow-up

to, and implementation of, the Vienna Declaration and Programme of Action (A/CONF.157/23) as part of the 1998 five-year review described in Part II, paragraph 100, of the Vienna Declaration and Programme of Action.

[See chap. II, sect. A, resolution 1996/78, and chap. XXI.]

31. Situation of human rights in Nigeria

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/79 of 23 April 1996, approves the Commission's request to the two thematic Special Rapporteurs who have requested a joint investigative visit to Nigeria to submit to the Commission at its fifty-third session a joint report on their findings, along with any observations of other relevant mechanisms, in particular the Working Group on Arbitrary Detention, and also approves the Commission request to them to submit an interim report to the General Assembly.

[See chap. II, sect. A, resolution 1996/79, and chap. X.]

32. Situation of human rights in Myanmar

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/80 of 23 April 1996, approves the Commission's decision to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar to establish or continue direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, and its request to him to report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session. The Council also approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1996/80, and chap. X.]

33. Evaluation of the human rights programme of the United Nations system, in accordance with the Vienna Declaration and Programme of Action

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/83 of 24 April 1996, approves the Commission's request to the Secretary-General to continue to convene at least twice a year in Geneva meetings with all interested States to provide information and exchange views on the activities conducted by the Centre for Human Rights and its process of restructuring.

[See chap. II, sect. A, resolution 1996/83, and chap. XXI.]

34. Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/84 of 24 April 1996, endorses the Commission's decision to extend the mandate of the Special Representative on the situation of human rights in the Islamic Republic of Iran, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year and approves the Commission's request to the Special Representative to submit an interim report to the General Assembly at its fifty-first session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, and to report to the Commission at its fifty-third session.

[See chap. II, sect. A, resolution 1996/84, and chap. X.]

35. Rights of the child

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/85 of 24 April 1996, approves the Commission's requests:

(a) To the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts to meet for a period of two weeks, or less if possible, prior to the fifty-third session of the Commission, with a view to finalizing the draft optional protocol;

(b) To the Secretary-General to provide the Special Rapporteur on the sale of children, child prostitution and child pornography with all necessary human and financial assistance, from within existing resources, to make the full discharge of the mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-first session and a report to the Commission at its fifty-third session;

(c) To the working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to meet for a period of two weeks, or less if possible, prior to the fifty-third session of the Commission to pursue its mandate, with a view to finalizing the draft optional protocol.

[See chap. II, sect. A, resolution 1996/85, and chap. XX.]

36. Effects of structural adjustment programmes on the full enjoyment of human rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1996/103 of 11 April 1996 and resolution 1995/32 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and

Protection of Minorities, endorses the Commission's decision to establish an open-ended working group of the Commission to meet for a period of one week prior to its fifty-third session to elaborate, on the basis of the preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights contained in document E/CN.4/Sub.2/1995/10 and in close cooperation with the Committee on Economic, Social and Cultural Rights, policy guidelines on the subject-matter. The Council also endorses the Commission's decision to invite Governments and intergovernmental organizations and non-governmental organizations, as well as the Committee on Economic, Social and Cultural Rights, to contribute to the elaboration of draft policy guidelines by providing their comments on the preliminary set of basic policy guidelines for consideration by the working group.

[See chap. II, sect. B, decision 1996/103, and chap. V.]

37. Forced evictions

The Economic and Social Council, taking note of Commission on Human Rights decision 1996/104 of 11 April 1996 and resolution 1995/29 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and bearing in mind the conclusions of the United Nations Conference on Human Settlements (Habitat II), to take place in Istanbul in June 1996, authorizes the holding, at an appropriate date after Habitat II, of an expert seminar on the practice of forced evictions with a view to developing comprehensive human rights guidelines on development-based displacement.

[See chap. II, sect. B, decision 1996/104, and chap. V.]

38. Systematic rape and sexual slavery during periods of armed conflict

The Economic and Social Council, taking note of Commission on Human Rights decision 1996/107 of 19 April 1996 and resolution 1995/14 of 18 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the Commission's decision to endorse the decision of the Sub-Commission to appoint Ms. Linda Chavez as Special Rapporteur with the task of undertaking an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict and to invite Governments, competent bodies of the United Nations, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on this question.

[See chap. II, sect. B, decision 1996/107, and chap. XV.]

39. Human rights dimensions of population transfer, including the implantation of settlers and settlements

The Economic and Social Council, taking note of Commission on Human Rights decision 1996/108 of 19 April 1996 and decision 1995/111 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and recalling Sub-Commission resolution 1994/42 of 26 August 1994, approves the Commission's decisions to endorse the recommendation of the Sub-Commission to request the Special Rapporteur on the question of the human rights dimensions of population transfer, including the implantation of settlers and settlements, to submit his final report to the Sub-Commission at its forty-eighth session, and to request the Secretary-General to provide the Special Rapporteur with all the assistance necessary in order to allow him to complete his work.

[See chap. II, sect. B, decision 1996/108, and chap. XV.]

40. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Economic and Social Council, taking note of Commission on Human Rights decision 1996/109 of 19 April 1996 and decision 1995/118 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and recalling Sub-Commission resolutions 1989/38 of 29 August 1989 and 1990/28 of 31 August 1990 and decisions 1991/111 of 29 August 1991, 1992/110 of 24 August 1992 and 1994/116 of 26 August 1994, approves the Commission's decision to endorse the recommendation of the Sub-Commission to request the Special Rapporteur on treaties, agreements and other constructive arrangements between States and indigenous populations, Mr. Miguel Alfonso Martínez, to submit a third report to the Working Group on Indigenous Populations at its fourteenth session and to the Sub-Commission at its forty-eighth session and a final report to both bodies at their fifteenth and forty-ninth sessions respectively. The Council also endorses the Commission's decision to request the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to continue and conclude his study, in particular by providing for specialized research assistance and for the necessary visits to Geneva for consultation with the Centre for Human Rights, and the resources necessary for a field mission to examine in situ the contemporary significance of a historic treaty in one country, to be determined in consultation with the Government concerned, as a practical example for inclusion in the final report.

[See chap. II, sect. B, decision 1996/109, and chap. XXIII.]

41. Organization of the work of the fifty-third session

The Economic and Social Council, taking note of Commission on Human Rights decision 1996/110 of 23 April 1996, approves the Commission's recommendation, in the light of the positive experience gained by rescheduling

the dates of the fifty-second session on a one-year trial basis, pursuant to the Council's decision 1994/297 of 29 July 1994, and bearing in mind Council decision 1995/296 of 25 July 1995, that the dates for the Commission's annual regular session be rescheduled to take place in March/April each year, instead of earlier in the year, and that, accordingly, the fifty-third session be rescheduled to take place from 10 March to 18 April 1997.

[See chap. II, sect. B, decision 1996/110, and chap. III.]

42. Organization of the work of the fifty-third session

The Economic and Social Council, taking note of Commission on Human Rights decision 1996/111 of 23 April 1996, authorizes, if possible within existing financial resources, 40 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-third session. The Council approves the Commission's request to the Chairman of the Commission at its fifty-third session to make every effort to organize the work of the session within the times normally allotted, so that the authorized meetings would be utilized only if absolutely necessary.

[See chap. II, sect. B, decision 1996/111, and chap. III.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-SECOND SESSION

A. Resolutions

1996/1. Situation of human rights in Burundi

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its complete determination with regard to respect for the principles of the rule of law, which involves democracy, national unity, pluralism and respect for human rights and fundamental freedoms,

Reaffirming also that all States have the right and duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

Recalling its resolution 1995/90 of 8 March 1995,

Recalling also Security Council resolutions 1040 (1996) of 29 January 1996 and 1049 (1996) of 5 March 1996,

Aware of the fact that Burundi is a party to the 1951 Convention relating to the Status of Refugees, to the 1967 Protocol relating to the Status of Refugees, to the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights,

Recalling the signing of the Convention of Government on 10 September 1994,

Strongly condemning the continued violence against the civilian population, including refugees, displaced persons and international humanitarian aid workers, the murders of government officials and attempts to undermine the legitimacy of the Government,

Firmly convinced that consolidation of democratic gains helps to create a favourable environment for a lasting settlement of the political tensions which have brought bloodshed to the country over the past thirty years and enables every Burundian to take part in the economic and social development of his country,

Emphasizing that the primary responsibility for peace lies with the people of Burundi,

Emphasizing also that the Burundian authorities are responsible for ensuring the safety of humanitarian and other aid workers, refugees, displaced persons and the civilian population,

Emphasizing further the importance of coordinating national and international measures to put an end to acts of violence and intimidation and to facilitate wide-ranging dialogue and national reconciliation,

Affirming the fundamental importance of the concerted efforts made in the field of humanitarian aid, recovery and development, and supporting the efforts of the international community to take measures to prevent any further deterioration in the situation in Burundi,

Recognizing the important role of women in the reconciliation process and urging the Government to improve their living conditions,

Welcoming the holding of a special meeting on Burundi during its fifty-second session,

1. Takes note of the reports of the Secretary-General on the situation in Burundi (S/1996/116), of the Special Rapporteur on the situation of human rights in Burundi (E/CN.4/1996/16 and Add.1) and of the Special Rapporteur on extrajudicial, summary or arbitrary executions on his mission to Burundi (E/CN.4/1996/4 and Corr.1);

2. Takes note with satisfaction of the efforts currently being made by the United Nations, the Organization of African Unity, the European Union and the mediators (facilitators) appointed by the conference of Heads of State of the Great Lakes Region, held in Cairo on 29 November 1995, and stresses the pressing need for better coordination, in view of the many initiatives of the international community, to achieve a lasting solution to the problems in the Great Lakes region;

3. Expresses its support for the efforts made by former Presidents Nyerere, Touré and Carter to promote dialogue and national reconciliation, welcomes the efforts undertaken by regional and other groups, in particular the Organization of African Unity and the European Union, and notes with satisfaction the appointment by the European Union of a special envoy for the Great Lakes region;

4. Commends the Organization of African Unity on its deployment of an international observer mission in Burundi and its continued efforts to develop preventive diplomacy to avoid any deterioration of the situation;

5. Welcomes with satisfaction the Tunis Declaration on the Great Lakes Region, of 18 March 1996;

6. Condemns all threats to the democratic process in Burundi and demands an immediate end to violations of human rights and acts of violence and intimidation;

7. Strongly condemns the massacres of civilians that have been taking place in Burundi for the past several years;

8. Urges the authorities of Burundi to put an end to the situation of impunity prevailing in the country, takes note of the establishment of criminal courts, emphasizes its unfailing support for the International

Commission of Inquiry, requesting the national authorities to facilitate its work, and reaffirms its belief that those who are accused of acts of violence must be brought to justice in order to put an end to the impunity they enjoy;

9. Stresses its firm opposition to any change of Government in Burundi through the use of force, and reaffirms its support for the legality of democratic institutions;

10. Invites all sectors of society, both civilian and military, to respect the Constitution of the country and the institutions established by the Convention of Government;

11. Condemns the murder of politicians, national officials, missionaries and journalists;

12. Strongly condemns the media which incite hatred and violence, particularly hate radio broadcasts, and invites States to cooperate in identifying and dismantling such radio stations;

13. Encourages the President, the Prime Minister and his Government and the members of the Parliament of Burundi in their efforts to restore peace in the country, and invites them to pursue their efforts to create conditions conducive to reform, reconciliation and recovery in Burundi;

14. Urges the Government of Burundi and, in particular, the armed forces of Burundi, as well as the other parties involved in the hostilities, scrupulously to respect the principles and rules of international humanitarian law and to facilitate the activities of the International Committee of the Red Cross so that it might carry out its mandate;

15. Appeals to the authorities of Burundi to strengthen measures to guarantee the security and protection of the staff of international, governmental and non-governmental organizations so as to facilitate their work;

16. Makes an appeal for a constructive dialogue involving the civilian, governmental and military sectors in a broad national debate with a view to ending human rights violations and promoting national reconciliation, democracy, respect for human rights and the rule of law, and invites the Government of Burundi to implement measures to make the armed forces, the police force and the judiciary more representative of Burundian society;

17. Appeals to the international community urgently to provide increased humanitarian assistance to displaced persons in Burundi and to Burundian refugees in neighbouring countries, particularly in the context of the implementation of the Bujumbura Plan of Action;

18. Welcomes the agreement signed on 22 September 1994 by the United Nations High Commissioner for Human Rights and the Government of Burundi for the implementation of a major programme of technical assistance and advisory services in the field of human rights;

19. Welcomes the proposal by the Government of Burundi for the establishment of an independent national human rights commission, and urges the United Nations United Nations High Commissioner for Human Rights to provide it with the necessary support;

20. Urges States and international, governmental and non-governmental organizations to cooperate in all initiatives designed to bring about Burundi's recovery, and calls on international financial institutions to support such initiatives;

21. Invites the international community to continue to lend its political, diplomatic, material and financial support to end the violence, to help the Government of Burundi find a lasting solution to political and ethnic tensions and to create favourable conditions for the reintegration of refugees and displaced persons, and, in this context, requests the Secretary-General to strengthen the office of his special representative in Bujumbura;

22. Requests the Secretary-General to strengthen the office of the Centre for Human Rights in Bujumbura and to intensify cooperation between United Nations agencies in the field;

23. Urges the United Nations High Commissioner for Human Rights, in cooperation with the Government of Burundi, to increase the number of human rights observers deployed throughout the country to monitor the human rights situation and prevent violations of those rights, and requests him to set up an assistance programme in the field of human rights;

24. Welcomes with satisfaction the implementation of a programme of technical assistance, and invites the United Nations High Commissioner for Human Rights and the Centre for Human Rights, taking account of the recommendations of the Special Rapporteur on the situation of human rights in Burundi, to provide ongoing technical assistance, particularly in the fields of justice, the training of members of the armed forces and the police, and human rights;

25. Also welcomes with satisfaction the recommendations contained in the report of the Special Rapporteur, and decides to renew his mandate for one year;

26. Requests the Special Rapporteur to report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session;

27. Decides to consider the situation of human rights in Burundi at its fifty-third session under the appropriate agenda item.

15th meeting
27 March 1996
[Adopted without a vote. See chap. X.]

1996/2. Human rights in the occupied Syrian Golan

The Commission on Human Rights,

Deeply concerned at the suffering of the population of the occupied Syrian Golan due to the violation of their human rights since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, including the latest, resolution 50/29 D of 6 December 1995, in which the Assembly, inter alia, called upon Israel to put an end to its occupation of the Arab territories,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under the principles of international law and under the Charter of the United Nations,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/50/463) and, in this connection, regretting Israel's constant refusal to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights and with particular reference to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907,

Reaffirming the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 which aims at the establishment of a just, comprehensive and lasting peace in the Middle East,

Reaffirming its previous relevant resolutions, the most recent being resolution 1995/2 of 17 February 1995,

1. Calls upon Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

2. Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

3. Further calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them, and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to in the present resolution;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fifty-third session;

7. Decides to include in the provisional agenda of its fifty-third session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

34th meeting
11 April 1996
[Adopted by a roll-call vote of 22 votes to 1, with 29 abstentions. See chap. IV.]

1996/3. Question of the violation of human rights in the occupied Arab territories, including Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, as well as by the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the provisions of Additional Protocol I thereto, and the Hague Convention IV of 1907, as well as the principles of international law affirmed by the General Assembly in its resolutions 3 (I) of 13 February 1946, 95 (I) of 11 December 1946, 260 A (III) of 9 December 1948 and 2391 (XXIII) of 26 November 1968,

Recalling the resolutions of the Security Council, the General Assembly and the Commission on Human Rights related to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other occupied Arab territories, including Jerusalem,

Recalling also the General Assembly resolutions on Israeli violations of human rights in occupied Palestine, since 1967 and until now,

Recalling further the provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights in June 1993,

Taking note of the report (E/CN.4/1996/18) of the Special Rapporteur, Mr. Hannu Halinen, regarding his mission undertaken in accordance with Commission resolution 1993/2 A of 19 February 1993,

Taking note also of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968, including the latest (A/50/463),

Noting with great concern the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights calling on Israel to put an end to the violations of human rights and affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Welcoming anew the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization on 13 September 1993 and of the following agreement, whereby violations of human rights will end through the full withdrawal of Israeli forces from the occupied Palestinian territory, including Jerusalem,

Recalling all its previous resolutions on the subject, including the latest, resolution 1995/1 of 17 February 1995,

1. Deeply regrets the continued violations of human rights in the occupied Palestinian territory since the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization on 13 September 1993, in particular the continuation of acts of killing and the detention of thousands of Palestinians without trial, the continuation of the extension and the establishment of Israeli settlements, the confiscation of property of Palestinians and expropriation of their land, and calls upon Israel to cease these acts immediately;

2. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, and considers any change in the geographic and demographic status of the city of Jerusalem from its situation prior to the June 1967 war to be illegal and void;

3. Calls upon Israel to cease immediately its policy of enforcing collective punishments, such as demolition of houses and closure of the Palestinian territory, a measure which threatens thousands of Palestinians with hunger and endangers their lives;

4. Calls once more upon Israel, the occupying Power, to desist from all forms of violation of human rights in the Palestinian and other occupied Arab territories and to respect the bases of international law, the principles of international humanitarian law and its commitments to the provisions of the Charter and resolutions of the United Nations;

5. Also calls upon Israel to withdraw from the Palestinian territory, including Jerusalem, and the other occupied Arab territories in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights;

6. Requests the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale, and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fifty-third session;

7. Also requests the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;

8. Decides to consider the question at its fifty-third session, as a matter of high priority.

34th meeting
11 April 1996
[Adopted by a roll-call vote of 27 votes to 2, with 23 abstentions. See chap. IV.]

1996/4. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Recalling that, in accordance with article 13, paragraph 2, of the Universal Declaration of Human Rights, everyone has the right to leave any country, including his own, and to return to his country,

Reaffirming that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including Jerusalem,

Recalling its resolutions 1990/1 of 16 February 1990, 1991/3 of 15 February 1991, 1992/3 of 14 February 1992, 1993/3 of 19 February 1993, 1994/1 of 18 February 1994 and 1995/3 of 17 February 1995 in which, inter alia, it reaffirmed the illegality of the Israeli settlements in the occupied territories, and noting that Israel has not fully complied with the provisions of those resolutions,

Welcoming the positive development that originated with the International Peace Conference on the Middle East convened in Madrid on 30 October 1991, including in particular the Declaration of Principles on Interim Self-Government Arrangements signed in Washington by the Government of Israel and the Palestine Liberation Organization on 13 September 1993 as well as the Interim Agreement on the West Bank and the Gaza Strip signed in Washington by the same parties on 28 September 1995, followed by the partial redeployment of the Israeli army from the main Palestinian towns and the democratic election of the Palestinian Council and President of the Palestinian Authority,

Condemning in the strongest terms all acts of terrorism, and calling on the Parties not to allow them to affect the ongoing peace process negatively,

Noting with appreciation the report (E/CN.4/1996/18) submitted by the Special Rapporteur pursuant to resolution 1993/2 A of 19 February 1993, in which he recommends, inter alia, that the confiscation of Palestinian-owned land and the construction or expansion of settlements should be halted immediately,

Noting that the question of the Israeli settlements in the occupied territories will be addressed during the negotiations on the final status of the territories, which will start not later than May 1996, and convinced in this regard that a complete cessation by Israel of its policy of expanding the

settlements, which may change the physical character and demographic composition of the occupied territories, would greatly facilitate those negotiations,

1. Reaffirms that the installation of Israeli civilians in the occupied territories is illegal and constitutes a violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

2. Reiterates its request to the Government of Israel to comply fully with the provisions of Commission resolutions 1990/1, 1991/3, 1992/3, 1993/3, 1994/1 and 1995/3;

3. Urges the Government of Israel to abstain from installing any settlers in the occupied territories and to prevent any new installation of settlers in these territories.

34th meeting
11 April 1996
[Adopted by a vote of 49 votes to 1, with 3 abstentions. See chap. IV.]

1996/5. Situation in occupied Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Taking into consideration the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the General Assembly in its resolution 1514 (XV) of 14 December 1960,

Guided by the provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, and in particular Part I, paragraphs 2 and 3, relating to the right to self-determination of all peoples and especially those subject to foreign occupation,

Recalling Security Council resolutions 183 (1963) of 11 December 1963 and 218 (1965) of 23 November 1965, which affirmed the interpretation of the principle of self-determination as laid down in General Assembly resolution 1514 (XV),

Recalling also General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination without external interference and to the establishment of their independent State on their national soil, especially Assembly resolutions ES-7/2 of 29 July 1980 and 37/86 E of 20 December 1982,

Reaffirming its previous resolutions in this regard, including the latest, resolution 1995/4 of 17 February 1995,

Bearing in mind the reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People which, from 1967 to 1995, have been submitted to the Security Council through the General Assembly,

Reaffirming the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world,

Recalling that the foreign occupation by the armed forces of a State of the territory of another State constitutes an obstacle to and a grave violation of human rights according to Part I, paragraph 30, of the Vienna Declaration and Programme of Action, and an act of aggression and a crime against the peace and security of mankind, according to General Assembly resolution 3314 (XXIX) of 14 December 1974,

Welcoming the Declaration of Principles on Interim Self-Government Arrangements signed by the Government of Israel and the Palestine Liberation Organization in Washington on 13 September 1993, aimed at enabling the Palestinian people to achieve their national rights and, principally, their right to self-determination free of external intervention,

1. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference;

2. Calls upon Israel to comply with its obligations under the Charter of the United Nations and the principles of international law, and to withdraw from the Palestinian territory, including Jerusalem, and the other Arab territories which it has occupied since 1967 by military force, in accordance with the relevant United Nations resolutions, so as to enable the Palestinian people to exercise their universally recognized right to self-determination;

3. Requests the Secretary-General to transmit the present resolution to the Government of Israel and all other Governments, to distribute it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its fifty-third session, all information pertaining to the implementation of the present resolution by the Government of Israel;

4. Decides to include in the provisional agenda of its fifty-third session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that item, as a matter of high priority.

34th meeting
11 April 1996
[Adopted by a roll-call vote of 28 votes to 1, with 23 abstentions. See chap. VII.]

1996/6. Question of Western Sahara

The Commission on Human Rights,

Having considered the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its earlier resolutions, the latest of which is resolution 1995/7 of 17 February 1995,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the proposals of the Secretary-General of the United Nations and the then Chairman of the Assembly of Heads of State and Government of the Organization of African Unity, in the framework of their joint mission of good offices,

Recalling further Security Council resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991, 725 (1991) of 31 December 1991, 809 (1993) of 2 March 1993 and 907 (1994) of 29 March 1994 relating to the question of Western Sahara,

Recalling with satisfaction the entry into force of the cease-fire in Western Sahara on 6 September 1991, in accordance with the proposal of the Secretary-General accepted by both parties,

Noting the adoption by the Security Council of resolutions 973 (1995) of 13 January 1995, 995 (1995) of 26 May 1995, 1002 (1995) of 30 June 1995, 1017 (1995) of 22 September 1995, 1033 (1995) of 22 December 1995 and 1042 (1996) of 31 January 1996,

Welcoming the mission of the Security Council, which visited Western Sahara and the countries of the region from 3 to 9 June 1995,

Welcoming also the appointment of Mr. Erik Jensen as Acting Special Representative of the Secretary-General for Western Sahara,

Concerned that the parties' continuing suspicion and lack of trust have contributed to delays in the implementation of the settlement plan (S/21360 and S/22464),

Welcoming in this context the visit to the region by the Special Envoy of the Secretary-General, from 2 to 9 January 1996,

Noting that, for progress to be achieved, the two parties must have a vision of the post-referendum period,

Expressing the hope for a rapid resolution of the problems causing delays in the completion of the identification process, as well as the code of conduct, the release of political prisoners, the confinement of troops of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro and the arrangements for the reduction of the Moroccan troops in the territory,

Stressing the importance and usefulness of the resumption of direct talks between the two parties mentioned above in order to create a propitious atmosphere conducive to a speedy and effective implementation of the settlement plan,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/50/23 (Part V), chap. IX),

Having also examined the report of the Secretary-General (A/50/504),

1. Takes note with appreciation of the report of the Secretary-General;

2. Pays tribute to the Secretary-General and the personnel of the United Nations Mission for the Referendum in Western Sahara for their action with a view to settling the question of Western Sahara by the implementation of the settlement plan;

3. Reiterates its support for further efforts of the Secretary-General for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in conformity with Security Council resolutions 658 (1990) and 690 (1991), by which the Council adopted the settlement plan for Western Sahara;

4. Reaffirms that the goal on which all were agreed consists of the holding of a free, fair and impartial referendum for the people of Western Sahara, organized and conducted by the United Nations in cooperation with the Organization of African Unity and without any military or administrative constraints, in conformity with the settlement plan;

5. Notes with concern the insufficient progress made towards the fulfilment of the settlement plan, including the identification process, the code of conduct, the release of political prisoners, the confinement of troops of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro and the arrangements for the reduction of the Moroccan troops in the territory;

6. Calls upon the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to work with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara in a spirit of genuine cooperation to implement the settlement plan in accordance with the relevant Security Council resolutions;

7. Takes note of the decision of the Security Council to review the arrangements for the completion of the identification process on the basis of the report of the Secretary-General requested in paragraph 4 of its resolution 1017 (1995) and to consider at that time any further necessary measures which might need to be taken to ensure the prompt completion of that process and of all the other aspects relevant to the fulfilment of the settlement plan;

8. Expresses the hope that direct talks between the two parties will soon resume in order to create a propitious atmosphere conducive to speedy and effective implementation of the settlement plan;

9. Recalls that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the ongoing referendum process, and to report thereon to the Assembly at its fifty-first session;

10. Decides to follow the development of the situation in Western Sahara and to consider the question at its fifty-third session, as a matter of high priority, under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

34th meeting
11 April 1996
[Adopted without a vote. See chap. VII.]

1996/7. Middle East peace process

The Commission on Human Rights,

Recalling its resolutions 1994/4 of 18 February 1994 and 1995/6 of 17 February 1995, General Assembly resolutions 49/88 of 16 December 1994 and 50/21 of 12 December 1995, and Economic and Social Council resolutions 1994/29 of 27 July 1994 and 1995/52 of 28 July 1995,

Recalling also the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

Stressing that the achievement of a comprehensive, just and lasting settlement of the Middle East conflict will constitute a significant contribution to strengthening international peace and security, and is a critical condition for the furthering of human rights in the region,

Recalling the convening of the International Peace Conference on the Middle East in Madrid on 30 October 1991, on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the subsequent bilateral negotiations, as well as the meetings of the multilateral working groups, and noting with satisfaction the broad international support for the peace process,

Noting the continuing positive participation of the United Nations as a full extraregional participant in the work of the multilateral working groups,

Bearing in mind the Declaration of Principles on Interim Self-Government Arrangements, signed by the Government of Israel and the Palestine Liberation Organization in Washington, D.C. on 13 September 1993, the Agreement on the Gaza Strip and the Jericho Area, signed by the Government of Israel and the Palestine Liberation Organization in Cairo on 4 May 1994, and the Interim Agreement on the West Bank and the Gaza Strip signed by the Government of Israel and the Palestine Liberation Organization in Washington, D.C. on 28 September 1995,

Also bearing in mind the Agreement between Israel and Jordan on the Common Agenda, signed in Washington, D.C. on 14 September 1993, the Agreement on the Preparatory Transfer of Powers and Responsibilities signed by the Government of Israel and the Palestine Liberation Organization on 29 August 1994, and the Jordan-Israel Treaty of Peace of 26 October 1994,

Recalling the Declaration on Measures to Eliminate International Terrorism annexed to General Assembly resolution 49/60, in which the Assembly declared that acts, methods and practices of terrorism constituted a grave violation of the purposes and principles of the United Nations, and might pose a threat to international peace and security, jeopardize friendly relations among States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bodies of society,

1. Stresses the importance of, and the need for, achieving a comprehensive, just and lasting peace in the Middle East;

2. Emphasizes that the achievement of such a peace is vital to the full implementation of human rights in the area;

3. Welcomes the peace process started in Madrid and supports the subsequent bilateral negotiations;

4. Also welcomes the establishment of the Palestinian Authority and its positive efforts to develop sound governance based on the will of the Palestinian people and democratic procedures;

5. Further welcomes the elections for the Palestinian Interim Self-Governing Authority held on 20 January 1996 which provide a democratic basis for the establishment of Palestinian institutions;

6. Supports the declaration adopted at the Summit of Peacemakers held at Sharm El Sheikh, Egypt, on 13 March 1996, which had as its objectives enhancing the peace process, promoting security and combating terrorism, and condemns terrorist attacks in the Middle East which seek to undermine the peace process and which have caused loss of life and injuries;

7. Calls upon the Centre for Human Rights to make available, on request, its programme of advisory services and technical assistance to the Palestinian Authority, and invites Governments to contribute to the programme;

8. Expresses its full support for the achievements of the peace process thus far, in particular the Declaration of Principles on Interim Self-Government Arrangements, signed on 13 September 1993 by the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, the subsequent Agreement on the Gaza Strip and the Jericho Area, signed on 4 May 1994 by the Government of Israel and the Palestine Liberation Organization, their 29 August 1994 Agreement on the Preparatory Transfer of Powers and Responsibilities, the Interim Agreement on the West Bank and the Gaza Strip, of 28 September 1995, the Agreement between Israel and Jordan on the Common Agenda, of 14 September 1993, the Washington Declaration, signed by Jordan and Israel on 25 July 1994, and the Jordan-Israel Treaty of Peace of 26 October 1994, which constitute important steps in achieving a comprehensive, just and lasting peace in the Middle East, and urges all parties to implement the agreements reached;

9. Encourages the continuation of negotiations on the implementation of the next stage of the Declaration of Principles.

34th meeting
11 April 1996
[Adopted without a vote. See chap. VII.]

1996/8. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

The Commission on Human Rights,

Reaffirming the obligation of States under the Charter of the United Nations to promote and encourage universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination,

Recalling its resolution 1995/11 of 24 February 1995,

Recalling the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,

Bearing in mind General Assembly resolutions 3057 (XXVIII) of 2 November 1973 on the first Decade for Action to Combat Racism and Racial Discrimination and 38/14 of 22 November 1983 on the Second Decade to Combat Racism and Racial Discrimination,

Recalling the recommendation of the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Welcoming the outcome of the World Conference on Human Rights and, in particular, the attention given in the Vienna Declaration and Programme of Action (A/CONF.155/23) to the elimination of racism, racial discrimination, xenophobia and related intolerance,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of two Decades to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism and racial discrimination,

Aware of the importance and magnitude of the phenomenon of migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption by the General Assembly, at its forty-fifth session, of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Aware that indigenous people are at times victims of particular forms of racism and racial discrimination,

Welcoming General Assembly resolution 48/91 of 20 December 1993, in which the Assembly decided to proclaim the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and to adopt the Programme of Action proposed for the Third Decade,

Deeply concerned that none of the activities provided for in the Programme of Action for the Third Decade has been implemented owing to lack of funds,

Emphasizing the importance of establishing at the Centre for Human Rights a focal point for coordinating all the programmes to be implemented by United Nations bodies, the specialized agencies and intergovernmental and non-governmental organizations for the realization of the objectives of the Third Decade,

Emphasizing also the importance of the activities of the Special Rapporteur on contemporary racism, racial discrimination, xenophobia and related forms of intolerance,

1. Declares that all forms of racism and racial discrimination, whether institutionalized or resulting from official doctrines of racial superiority or exclusivity, such as "ethnic cleansing", are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

2. Commends all States that have ratified or acceded to the international instruments to combat racism and racial discrimination;

3. Appeals to those States that have not yet done so to consider ratifying, acceding to and implementing the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education;

4. Encourages States to limit the extent of any reservation they lodge to the International Convention on the Elimination of All Forms of Racial Discrimination and to formulate any reservation as precisely and as narrowly as possible while ensuring that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international law;

5. Urges all Governments to take all necessary measures to combat new forms of racism, in particular ongoing adjustment of the methods used to combat them, especially in the legislative, administrative, education and information fields;

6. Invites all Governments and international and non-governmental organizations to increase and intensify their activities to combat racism and racial discrimination and to provide relief and assistance to the victims of these evils;

7. Invites the Secretary-General to take action to coordinate all the programmes currently being carried out by United Nations bodies with a view to achieving the objectives of the Third Decade;

8. Again invites the Secretary-General to establish within the Centre for Human Rights a focal point, the creation of which had been called for by the Economic and Social Council;

9. Requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities and those of migrant workers in the fields of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination;

10. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, so that it can enter into force as soon as possible;

11. Urges the Secretary-General, United Nations bodies and specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action for the Third Decade, to pay particular attention to the situation of indigenous people;

12. Requests the Secretary-General to publish and distribute as soon as possible the model legislation on racism and racial discrimination for the guidance of Governments in the enactment of further legislation against racial discrimination;

13. Invites the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and education activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and second levels of education;

14. Regrets that some of the activities for the Second Decade to Combat Racism and Racial Discrimination have not been implemented because of lack of adequate resources;

15. Deeply regrets that the financial resources which should have been allocated for the implementation of the 1994-1995 biennial programme for the Third Decade were not provided;

16. Requests, therefore, the Secretary-General to include the activities for the Third Decade not implemented in the 1994-1995 biennial programme in the future programme for the Decade and to provide the resources necessary for it;

17. Notes the request of the General Assembly addressed to the Secretary-General to consult Member States and intergovernmental, as well as non-governmental, organizations on the possibility of holding a world conference to combat racism, racial discrimination, xenophobia and related contemporary forms of intolerance;

18. Recommends that the Economic and Social Council, at its substantive session of 1996, request the Secretary-General to take the necessary measures in order to transmit the results of these consultations to the General Assembly at its fifty-first session;

19. Calls upon the international community to provide the Secretary-General with appropriate financial resources for efficient action against racism and racial discrimination;

20. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the Third Decade to Combat Racism and Racial Discrimination;

21. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination are indispensable for the implementation of the Programme;

22. Strongly appeals, therefore, to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

23. Requests the Secretary-General to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 1996-1997;

24. Takes note of the report of the Secretary-General on the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1996/71 and Add.1);

25. Recommends that the activities mentioned in the plan of activities to be carried out during the first third of the Third Decade to Combat Racism and Racial Discrimination (1994-1997), as contained in the report of the Secretary-General to the Economic and Social Council at its substantive session of 1994 (E/1994/97), should be implemented;

26. Decides to maintain on its agenda the item entitled "Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination" and to consider it as a matter of high priority at its fifty-third session.

34th meeting
11 April 1996
[Adopted without a vote. See chap. XII.]

1996/9. Human rights and unilateral coercive measures

The Commission on Human Rights,

Recalling the purposes and principles of the Charter of the United Nations,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 which declares that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,

Bearing in mind all the references to this question in the final documents adopted by the World Summit on Social Development, held in Copenhagen in 1995, and the Fourth World Conference on Women: Action for Equality, Development and Peace, held in Beijing in 1995,

Reaffirming its previous resolutions on this question,

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and recent major United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals,

Taking note of the report submitted by the Secretary-General pursuant to Commission resolution 1995/45 (E/CN.4/1996/45 and Add.1),

1. Calls once again upon all States to refrain from adopting or implementing any unilateral measure not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Rejects the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, inter alia children, women and the elderly;

3. Reaffirms, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

4. Also reaffirms that essential goods such as food and medicines should not be used as tools for political coercion, and that in no case may a people be deprived of its own means of subsistence;

5. Endorses the criteria of the Working Group on the Right to Development according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development;

6. Urges the working group on the implementation and promotion of the right to development to take into account the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

7. Requests the United Nations High Commissioner for Human Rights, in discharging his functions relating to the promotion, realization and protection of the right to development, to pay due attention and give urgent consideration to the present resolution;

8. Decides to examine this question, on a priority basis, at its fifty-third session under the same agenda item.

34th meeting
11 April 1996
[Adopted by a roll-call vote of 32 votes to 14, with 7 abstentions. See chap. V.]

1996/10. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Recalling also that the eradication of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned by the fact that extreme poverty continues to spread throughout the countries of the world, regardless of their economic, social or cultural situation, and gravely affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their rights and their fundamental freedoms,

Noting the provisions of the Convention on the Rights of the Child, which recognizes that there are in all countries in the world children living in especially difficult conditions and that special attention should be paid to such children,

Welcoming the relevant provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

Recalling its resolution 1990/15 of 23 February 1990, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out a specific study of extreme poverty and social exclusion, its resolution 1991/14 of 22 February 1991, in which it recommended that the Sub-Commission should give attention more particularly to the conditions in which the poorest themselves can convey their experience and their thinking, its resolution 1992/11 of 21 February 1992, its resolution 1993/13 of 26 February 1993 approving the appointment of Mr. Leandro Despouy as Special Rapporteur for that study, its resolution 1994/12 of 25 February 1994, in which it approved the recommendations of the Special Rapporteur relating to the organization of a seminar on extreme poverty and the denial of human rights, and its resolution 1995/16 of 24 February 1995, in which it took note of the conclusions and recommendations of that seminar (E/CN.4/1995/101) and invited the Special Rapporteur to give due attention to the Copenhagen Declaration and Programme of Action of the World Summit for Social Development (A/CONF.166/9),

Recalling also General Assembly resolutions 48/183 of 21 December 1993, in which the Assembly proclaimed the International Year for the Eradication of Poverty, which will be celebrated in 1996, and 49/179, dated 23 December 1994, in which the Assembly reaffirmed that extreme poverty and social exclusion constitute a violation of human dignity and that States must foster participation by the poorest,

Welcoming the adoption by the General Assembly of resolution 50/107 of 20 December 1995, in which the Assembly proclaimed the first United Nations Decade for the Eradication of Poverty (1997-2006),

Stressing that, in the Copenhagen Declaration and Programme of Action, Governments committed themselves to eradicating poverty throughout the world through national action and international cooperation, taking account of the fact that this is an ethical, social, political and economic imperative of humankind,

Recalling that, in the Copenhagen Declaration, Governments committed themselves to ensuring that all men and women, especially those living in poverty, may exercise the rights, utilize the resources and share the responsibilities that enable them to lead satisfying lives and contribute to the well-being of their families, communities and humankind,

Recalling also that in the Copenhagen Declaration and Programme of Action States decided to formulate or strengthen, preferably by the year 1996, the International Year for the Eradication of Poverty, national policies and strategies geared to substantially reducing all forms of poverty, reducing inequalities and eradicating absolute poverty by a target date to be specified by each country, and to develop a precise definition and assessment of absolute poverty,

Recalling further the Beijing Declaration and Platform for Action of the Fourth World Conference on Women: Action for Equality, Development and Peace (A/CONF.177/20), which recognizes the persistent and increasing burden of poverty on women,

Bearing in mind in this context the actions already undertaken in the relevant forums to ensure the realization of economic, social and cultural rights,

Mindful of the second interim report on human rights and extreme poverty (E/CN.4/Sub.2/1995/15), submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-seventh session by the Special Rapporteur,

1. Reaffirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. Also reaffirms that, in accordance with the Vienna Declaration and Programme of Action (A/CONF.157/23), it is essential for States to foster participation by the most destitute in the decision-making process in their communities, in the promotion of human rights and in efforts to combat extreme poverty;

3. Draws the attention of the General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

4. Encourages the Committee on Economic, Social and Cultural Rights to pay more attention in its work to the question of extreme poverty and exclusion from society;

5. Welcomes the fact that the Committee on the Rights of the Child, in its discussions and work, gives attention to the situation of children living in extreme poverty with a view to promoting the enjoyment by all children of all rights recognized in the Convention on the Rights of the Child, and encourages the Committee to continue in this way;

6. Recalls that, to ensure the protection of the rights of all individuals, non-discrimination as regards the poorest and the effective exercise of all human rights and fundamental freedoms, a better understanding is needed of what people living in extreme poverty, including women and

children, endure and that thought must be given to the subject on the basis of the experience and ideas of the poorest themselves and of those working alongside them;

7. Endorses resolution 1995/28 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission took note with appreciation of the second interim report of the Special Rapporteur on human rights and extreme poverty (E/CN.4/Sub.2/1995/15) and commended him for having included in his report testimony and observations by the most destitute persons, since that brought greater awareness of the living conditions of those in extreme poverty and a better understanding of the link between extreme poverty and human rights;

8. Welcomes the fact that the Special Rapporteur, in his second interim report, took into consideration the Copenhagen Declaration and Programme of Action of the World Summit for Social Development (A/CONF.166/9);

9. Awaits the final report on the study undertaken by the Special Rapporteur to be submitted to the Sub-Commission at its forty-eighth session and its potential contribution to the International Year for the Eradication of Poverty and the United Nations Decade for the Eradication of Poverty (1997-2006);

10. Draws the attention of Governments, within the framework of the elaboration of the definition of absolute poverty requested in the Copenhagen Declaration and Programme of Action, to the reflection undertaken by the Special Rapporteur concerning such a definition;

11. Invites the Special Rapporteur to continue to give special attention to the following aspects in preparing his reports:

(a) The effects of extreme poverty on the enjoyment and exercise of all human rights and fundamental freedoms of those affected by it;

(b) Efforts by the poorest themselves to exercise their rights and participate fully in the development of the society in which they live;

(c) Conditions in which the poorest can convey their experiences and ideas and become partners in the realization of human rights;

(d) Means of promoting a better understanding of the experiences and ideas of the poorest and those working alongside them;

12. Also invites the Special Rapporteur, in the recommendations which he will submit in his final report, to suggest appropriate follow-up measures;

13. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate, particularly his consultations with United Nations bodies, Governments, specialized agencies and intergovernmental and non-governmental organizations, including, as appropriate, assistance from those with experience of the subject;

14. Welcomes the fact that the events organized by the United Nations to celebrate the International Day for the Eradication of Poverty on 17 October focused on the poorest and gave due attention to events organized worldwide since 17 October 1987 on the theme "Rejection of extreme poverty", which have underlined the relationship between extreme poverty and human rights;

15. Invites States, the organs of the United Nations and intergovernmental and non-governmental organizations, in conformity with the Vienna and Copenhagen Declarations and Programmes of Action, to take into account, in the activities to be undertaken within the framework of the International Year and the International Decade for the Eradication of Poverty, the links between the eradication of poverty and the realization of human rights, as well as the efforts of the poorest to combat poverty and the importance of associating them with the elaboration, implementation, follow-up and evaluation of these activities;

16. Requests the Secretary-General to make the second interim report of the Special Rapporteur available to the special session of the Commission for Social Development within the framework of the follow-up process of the World Summit on Social Development on the question of the eradication of poverty, and to the next substantive session of the Economic and Social Council, where the coordination segment will be devoted to activities undertaken to eradicate poverty;

17. Decides to consider this question at its fifty-third session under the same agenda item.

34th meeting
11 April 1996
[Adopted without a vote. See chap. V.]

1996/11. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter of the United Nations their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, and have determined to promote social progress and better standards of living in larger freedom,

Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, which underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Recognizing that, in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, Member States, individually and through international cooperation, should intensify their efforts to secure an adequate standard of living for all people, giving priority to those living in extreme poverty,

Recalling the essential importance of national efforts and international solidarity and cooperation based on free consent to the realization of the right of all persons to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to a continuous improvement in living conditions,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, including the rights of the most vulnerable and disadvantaged,

Recalling the adoption by the World Summit for Social Development, held in Copenhagen in March 1995, of its important Declaration and Programme of Action (A/CONF.166/9), which call for the highest priority to be given in national, regional and international policies and actions to the promotion of social progress, justice and the betterment of the human condition based on full participation by all,

Emphasizing the importance of the Limburg Principles on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1987/17),

Recognizing that popular participation in its various forms is an important factor in development and in the full realization of all human rights,

Reaffirming the importance of increasing public awareness of the Committee on Economic, Social and Cultural Rights and the role that non-governmental organizations can play in that regard,

Recalling that the World Conference on Human Rights encouraged the Commission on Human Rights, in cooperation with the Committee on Economic, Social and Cultural Rights, to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights,

Welcoming the efforts made with a view to an intensive study of the International Covenant on Economic, Social and Cultural Rights, and recognizing the urgent need for an effective multidisciplinary approach to the promotion and protection of the rights contained in the Covenant,

Recalling its resolution 1995/15 of 24 February 1995,

1. Affirms that the full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights is inextricably linked with the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as fair distribution of the benefits of development;

2. Welcomes the important work of the Committee on Economic, Social and Cultural Rights in its continuing efforts to give impetus to the implementation process and to develop greater in-depth understanding of the relevant issues within the framework of the International Covenant on Economic, Social and Cultural Rights by holding general discussions on specific rights or articles and by adopting general comments;

3. Takes note with interest of General Comment No. 6 adopted by the Committee on the economic, social and cultural rights of older persons (E/C.12/1995/16/Rev.1);

4. Also takes note with interest of the report of the Committee on the technical assistance mission to Panama (E/C.12/1995/8), undertaken in accordance with the procedure for follow-up action adopted by the Committee and in pursuance of article 23 of the International Covenant on Economic, Social and Cultural Rights;

5. Takes note of the steps taken by the Committee for the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant, including the general discussion held in 1995, and welcomes the information submitted by the Committee to the Commission on Human Rights on this issue (E/CN.4/1996/96);

6. Encourages States parties to continue to give their full support and cooperation to the Committee on Economic, Social and Cultural Rights and to use their reporting obligation as a process to assist the realization of economic, social and cultural rights, ensuring popular participation in the national consideration of their periodic reports, as well as the widest possible distribution of those reports at the national level;

7. Urges all States parties to submit their reports in a regular and timely manner, as recommended in the Vienna Statement of the International Human Rights Treaty Bodies, adopted during the World Conference on Human Rights (A/CONF.157/TBB/4 and Add.1);

8. Recognizes the importance of using appropriate indicators as a means of measuring or assessing progress in the realization of human rights, as referred to in the Vienna Declaration and Programme of Action (A/CONF.157/23);

9. Recalls the conclusions and recommendations of the 1993 seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights, and recommends that, as a follow-up, the Centre for Human Rights convene expert seminars focused on specific economic, social and cultural rights with a view to clarifying the particular content of these rights;

10. Invites Member States, when including measures to ensure the promotion and protection of human rights in national legislation, policies and development programmes, to consider the desirability of drawing up a national action plan identifying steps to improve the situation of human rights, to seek the participation of communities affected by the non-realization of these rights, as well as to identify specific national benchmarks designed to give effect to the minimum essential levels of economic, social and cultural rights;

11. Reaffirms the importance of ensuring the study of specific economic, social and cultural rights, and in this framework recognizes the interest of the final report on the right to adequate housing, submitted by Mr. Rajindar Sachar, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/12);

12. Takes note of the expert group meetings convened in preparation for the United Nations Conference on Human Settlements (Habitat II), especially the expert group meeting on the human right to adequate housing, organized in January 1996, in Geneva, by the Centre for Human Rights and the United Nations Centre for Human Settlements (Habitat), and the advisory panel meeting on housing rights, organized also in January 1996, in New York, by the United Nations Centre for Human Settlements;

13. Welcomes the convening of the United Nations Conference on Human Settlements (Habitat II), to be held in Istanbul in June 1996;

14. Recalls, in this context, the international legal foundations set out in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention relating to the Status of Refugees, and the commitments contained in the declarations, plans, programmes and platforms of action adopted at Rio de Janeiro, Vienna, Cairo, Copenhagen and Beijing;

15. Welcomes the preliminary report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. José Bengoa (E/CN.4/Sub.2/1995/14);

16. Reaffirms the importance of enhancing the cooperation between the financial institutions and the human rights bodies of the United Nations, in particular through the participation of the representatives of those institutions in the meetings of the human rights bodies;

17. Welcomes the dialogue which has been established between human rights bodies, in particular the Centre for Human Rights as coordinating focal point, and other bodies of the United Nations system, including the international financial institutions, and encourages these bodies to increase their participation in the meetings of human rights bodies, including the treaty monitoring bodies, as well as to assess the impact of their policies and programmes on the enjoyment of human rights;

18. Takes note of the report of the Secretary-General on a preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights (E/CN.4/Sub.2/1995/10);

19. Requests the Secretary-General to invite the international financial institutions to continue considering the possibility of organizing an expert seminar on the role of these institutions in the realization of economic, social and cultural rights;

20. Requests the United Nations High Commissioner for Human Rights to continue to promote coordination of the human rights activities of the United Nations and those of development agencies with a view to drawing upon their relevant expertise and support;

21. Encourages the United Nations High Commissioner for Human Rights to continue to take into full consideration economic, social and cultural rights in carrying out his mandate;

22. Encourages country rapporteurs to consider including, when appropriate, a specific reference to the enjoyment of economic, social and cultural rights in their reports;

23. Encourages the Centre for Human Rights to make available, through its programme of advisory services and technical assistance, expert assistance to States for the purpose of formulating policies on economic, social and cultural rights, and developing the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights, as well as developing adequate means of evaluating and monitoring their realization;

24. Decides to consider issues raised in the present resolution at its fifty-third session under the appropriate agenda item.

35th meeting
11 April 1996
[Adopted without a vote. See chap. V.]

1996/12. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, namely, civil, political, economic, social and cultural rights,

Bearing in mind that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Recalling General Assembly resolution 32/130 of 16 December 1977,

Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969 and the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Bearing in mind all resolutions adopted in this regard by the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines related to the human person in order to promote all human rights effectively,

Aware that the serious problem of the external debt burden remains one of the most critical factors adversely affecting economic and social development and living standards in many developing countries, with serious effects of a social nature,

Concerned about the repercussions of structural adjustment programmes on the realization and full enjoyment of economic, social and cultural rights,

Recognizing the need to address the obstacles that impede the implementation of the Declaration on the Right to Development and the enjoyment of economic, social and cultural rights all over the world,

Aware of the fact that the Working Group on the Right to Development identified the problem of foreign debt as one of the obstacles to development and, consequently, to the implementation of the Declaration on the Right to Development,

Deeply concerned that the debt-service obligations remain high, that the factors determining the capacity to pay have not moved in consonance with the debt-service obligations of the majority of developing countries and that the prospects for reducing the adverse effects of the debt burden on the development process in developing countries continue to be uncertain,

Noting that developing countries still meet their debt obligations at considerable cost to their economies,

Noting with regret the negative effects of the policies adopted to face situations of external debt burden on the realization and enjoyment of economic, social and cultural rights,

Stressing that the present international economic order continues to be unfair and needs to be transformed,

Stressing also that measures for debt reduction need to be accompanied by vigorous measures aimed at improving the international economic environment in order to facilitate the growth and development of developing countries,

Considering that the new strategies for solving the debt problem, of both official and private origin, require policies of economic adjustment accompanied by growth and development and that it is essential, within those policies, to give priority consideration in their implementation to human conditions, including standards of living, housing, health, food, education and employment of the population, especially among the most vulnerable and low-income groups,

Taking into account the particular concern expressed by the General Assembly at the growing deterioration of living conditions of the large majority of people in the developing world, at its negative effects on the full enjoyment of human rights and especially at the very serious economic situation of the African continent and at the terrible effects of the heavy burden of external debt on the developing countries,

Recalling all its resolutions related to the debt crisis,

Taking into account the reports submitted by the Secretary-General in accordance with its resolutions 1994/11 and 1995/13 (E/CN.4/1995/25 and Add.1 and 2 and E/CN.4/1996/22),

1. Takes note with appreciation of the report of the Secretary-General submitted in accordance with its resolution 1995/13;

2. Stresses the importance of continuing to implement immediate actions for alleviating the debt and debt-service burdens of developing countries with external debt problems in the framework of the realization of economic, social and cultural rights;

3. Emphasizes the need for additional debt-reduction measures, in particular, cancellation or partial reduction of the official debt or debt service, and consideration of other possible specific forms and means of resolving the external debt problem of the developing countries, including rescheduling agreements, and for an urgent solution to the commercial and multilateral debt owed by developing countries, taking into account the needs of debtor countries;

4. Stresses the need for new financial flows to debtor developing countries;

5. Urges creditor countries and multilateral financial institutions to continue to extend concessional financial assistance in order to support the implementation by the developing countries of their economic reform programmes that enable them to achieve adequate technological and productive progress, to extricate themselves from debt overhang and to obtain economic growth and development and to compensate, in some measure, the developing countries that meet their obligations at considerable cost to their economies;

6. Affirms that debt repayments should not take precedence over the basic rights of the people of debtor countries to food, shelter, clothing, employment, health services and a healthy environment;

7. Stresses that foreign debt continues to be one of the major obstacles to the realization of the right to development;

8. Requests the working group on the implementation and promotion of the right to development to pay special attention in its work to the social repercussions of the policies adopted to face the effects of external debt on the realization of economic, social and cultural rights and to make recommendations in this regard;

9. Recognizes that there is a need for more transparency in the activities of international financial institutions;

10. Requests the international financial institutions to report periodically to the General Assembly and the Economic and Social Council on the social repercussions of their policies on the full enjoyment of economic, social and cultural rights in the developing countries;

11. Considers that, in order to find a durable solution to the debt crisis, there is a need for a political dialogue within the United Nations system between creditor and debtor countries, based on the principle of shared responsibility;

12. Also considers that this dialogue should contribute to the initiation of an integral process aimed at restructuring the international economic order, with the objective of achieving more equitable and fair relations among all nations of the world;

13. Requests the Secretary-General to continue the efforts to carry out this dialogue and to submit to the Commission at its fifty-third session, after a high-level consultation process with Governments, heads of

multilateral financial institutions and specialized agencies, as well as with intergovernmental and non-governmental organizations, a report on the measures to be implemented in order to achieve a durable solution to the debt crisis of developing countries, so that they may fully enjoy all human rights;

14. Affirms that the process of consultations already initiated by the Secretary-General in accordance with Commission resolution 1994/11 of 25 February 1994 should lead to the convening of high-level meetings at the regional and global levels;

15. Requests the United Nations High Commissioner for Human Rights to continue to pay particular attention to the problem of the debt burden of developing countries;

16. Requests the Secretary-General to establish a programme unit in the Centre for Human Rights for the promotion of economic, social and cultural rights, in particular those related to the debt burden of developing countries and the implementation of the right to development;

17. Decides to continue to consider this matter at its fifty-third session, under the same agenda item.

35th meeting
11 April 1996
[Adopted by a roll-call vote of 34 votes to 16, with 1 abstention. See chap. V.]

1996/13. Human rights and the environment

The Commission on Human Rights,

Recalling its resolution 1995/14 of 24 February 1995, in which it requested the Secretary-General to submit to the Commission, at its fifty-second session, a report containing the opinions of Governments, specialized agencies and intergovernmental and non-governmental organizations on the issues raised in the final report submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities by its Special Rapporteur on human rights and the environment, Mrs. Fatma Zohra Ksentini (E/CN.4/Sub.2/1994/9 and Corr.1),

Recalling also its resolutions 1993/90 of 10 March 1993 and 1994/65 of 9 March 1994,

Taking note of resolutions 1994/27 and 1994/37 of 26 August 1994 and 1995/23 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking into account the report submitted by the Secretary-General in accordance with its resolution 1995/14 on human rights and the environment (E/CN.4/1996/23 and Add.1),

Aware that the Secretary-General continues to receive opinions on the issues raised in the final report of the Special Rapporteur on human rights and the environment,

1. Requests the Secretary-General to renew his request for the opinions of Governments, specialized agencies and intergovernmental and non-governmental organizations and to submit a report to the Commission on Human Rights at its fifty-third session;

2. Decides to continue its consideration of this issue at its fifty-third session under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights."

35th meeting
11 April 1996
[Adopted without a vote. See chap. V.]

1996/14. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action (A/CONF.157/23), particularly on the question of the human rights to life and to good health,

Recalling its resolutions 1989/42 of 6 March 1989, 1990/43 of 6 March 1990, 1991/47 of 5 March 1991, 1993/90 of 10 March 1993 and 1995/81 of 8 March 1995,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989, 45/13 of 7 November 1990 and 46/126 of 17 December 1991 and Economic and Social Council decision 1995/288 of 25 July 1995,

Recalling further resolution 1153 (XLVIII) of 25 May 1988 of the Council of Ministers of the Organization of African Unity declaring that the dumping of toxic wastes in the continent was a crime against Africa and the African people,

Affirming that the illicit movement and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and health of individuals, particularly in developing countries that do not have the technologies to process them,

Recalling resolutions GC(XXXIII)/RES/509 on the dumping of nuclear wastes and resolution GC(XXXIV)/RES/530 Establishing a Code of Practice on International Transboundary Movement of Radioactive Waste, adopted on 29 September 1989 and 21 September 1990 respectively by the General Conference of the International Atomic Energy Agency, and the decision of the General Conference to keep the question of the international transboundary movements of radioactive waste under active review, including the desirability of concluding a legally binding instrument under the auspices of the International Atomic Energy Agency, in view of their adverse effects on the human rights to life and health of every human person,

Mindful of the call by the World Conference on Human Rights on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping,

Aware of the increasing rate of dumping in African and other developing countries by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes that constitute a serious threat to the human rights to life and health of everyone, and which they cannot dispose of within their territories of operation,

Aware also that many developing countries do not have the national capacities and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and health,

Having considered the preliminary report of the Special Rapporteur (E/CN.4/1996/17),

1. Takes note of the preliminary report of the Special Rapporteur and in particular her preliminary conclusions and recommendations;

2. Notes with grave concern that the increasing rate of illicit dumping of toxic and dangerous products and wastes in developing countries continues adversely to affect the human rights to life and health of individuals in those countries;

3. Reaffirms that illicit traffic and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and good health of every individual;

4. Welcomes the decision by the States parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal at their third meeting in 1995 to introduce an amendment to the Convention banning the export of hazardous wastes, including those for recycling, from the countries listed in annex VII to the Convention to those countries not listed therein, and urges all States parties to the Basel Convention to ratify the amendment to facilitate its early entry into force;

5. Urges all Governments to take legislative and other appropriate measures with a view to preventing illegal international trafficking in toxic and hazardous products and wastes;

6. Invites the United Nations Environment Programme, the secretariat for the Basel Convention, the International Register of Potentially Toxic Chemicals, the International Labour Organization, the World Health Organization, the International Atomic Energy Agency and the Organization of African Unity and other regional organizations to intensify their cooperation and assistance on environmentally sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;

7. Urges the international community and the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, to give appropriate support to developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments controlling the transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and good health of all;

8. Requests the Special Rapporteur, in preparing her next report, to consult all relevant bodies, in particular the secretariat for the Basel Convention, and urges all Governments, United Nations bodies and specialized agencies, the United Nations Environment Programme, the secretariat for the Basel Convention and non-governmental organizations to cooperate fully with the Special Rapporteur by providing information on the movement and dumping of toxic and dangerous products and wastes;

9. Also requests the Special Rapporteur to continue to undertake, within her mandate, a global, multidisciplinary and comprehensive study of existing problems and solutions to illicit traffic in, transfer to and dumping of toxic and dangerous products and wastes in African and other developing countries, with a view to making recommendations and proposals, in her next report, on adequate measures to control, reduce and eradicate these phenomena;

10. Further requests the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission information on countries and enterprises, including transnational corporations, engaged in the illicit movement and dumping of toxic and dangerous products and wastes in African and other developing countries;

11. Welcomes the undertaking by the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission information on persons killed, maimed or otherwise injured in developing countries through this heinous act;

12. Requests the Secretary-General to continue to provide the Special Rapporteur with all the necessary financial and human resources, including administrative support in the Centre for Human Rights, for the fulfilment of her mandate;

13. Decides to continue consideration of the question of the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights at its fifty-third session under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of

Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

35th meeting
11 April 1996
[Adopted by a roll-call of 32 votes to 16, with 3 abstentions. See chap. V.]

1996/15. The right to development

The Commission on Human Rights,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling General Assembly resolution 50/184 of 22 December 1995 and 50/214 of 23 December 1995, as well as its own resolution 1995/17 of 24 February 1995,

Reaffirming the Declaration on the Right to Development, proclaimed at the forty-first session of the General Assembly, and underlining its multidimensional, integrating and dynamic character which favours a partnership for development and constitutes a relevant framework for international cooperation and national action aiming at the universal and effective respect of all human rights in their universality, indivisibility and interdependence,

Welcoming the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights and reaffirmed that the human person is the central subject of development,

Considering that the declarations and programmes of action adopted by the World Conference on Human Rights and at other recent United Nations conferences reaffirmed the universality, interdependence and interrelated character of all human rights, thus contributing to the effective realization of the right to development,

Recalling the need for coordination and cooperation throughout the United Nations system for a more effective promotion and realization of the right to development,

Noting that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Noting also that the reinforcement of a comprehensive concept of development consistent with each country's conditions and needs, together with adequate domestic economic and social policies and the promotion of

the elimination of inequality and increased participation of the people in decision-making at all levels, including in the formulation and implementation of development programmes, would favour development at the national level,

Reaffirming the importance of the right to development for every human person and all peoples in all countries, in particular the developing countries, as an integral part of their fundamental human rights,

Having considered all the reports of the Working Group on the Right to Development,

Taking note of the report of the Secretary-General (E/CN.4/1996/25),

1. Welcomes the efforts deployed by the Working Group on the Right to Development during its mandate and its contribution to the effective implementation of the Declaration on the Right to Development, and expresses its appreciation to the Chairman-Rapporteur and to the members of the Working Group for the proposals and recommendations they have elaborated;

2. Urges States to pursue the promotion and protection of economic, social, cultural, civil and political rights and the implementation of comprehensive development programmes, integrating these rights into development activities;

3. Invites States further to strengthen cooperation for the implementation of the right to development by submitting to the United Nations High Commissioner for Human Rights voluntary reports on progress and steps taken for its realization, as well as on obstacles encountered in that respect;

4. Encourages States to assign existing or new administrative units to serve as focal points for collecting and disseminating useful information required for further implementation of the right to development;

5. Recalls that the General Assembly requested the Secretary-General, taking into account the proposals of the United Nations High Commissioner for Human Rights made in the context of the ongoing process of restructuring the Centre for Human Rights, to establish in the 1996-1997 biennium a new branch whose primary responsibilities would include the promotion and protection of the right to development;

6. Also recalls that the General Assembly requested the Secretary-General to formulate appropriate programmatic follow-up to the activities to be carried out by that branch, in particular follow-up to the implementation of the Declaration on the Right to Development in accordance with paragraph 6 of General Assembly resolution 50/184, for inclusion in the next medium-term plan;

7. Invites the regional commissions to consider how they might contribute, within their respective mandates, to the implementation of the right to development and to include this aspect of their activities in the reports which they submit to the Economic and Social Council;

8. Invites the United Nations High Commissioner for Human Rights to ensure widespread dissemination and promotion of the Declaration, in close cooperation with States and intergovernmental organizations, as well as institutes of human rights, academia and interested non-governmental organizations all over the world, so that the Declaration is better known to those in charge of its implementation;

9. Invites the relevant treaty bodies to consider examining, within the scope of their mandate, the proper means for their contribution to the implementation of the right to development;

10. Invites the appropriate specialized agencies of the United Nations system to contribute, in accordance with their mandates, to the realization of the right to development through dissemination of information and coordination with other institutions and the Centre for Human Rights on the subject;

11. Recommends that the Economic and Social Council, in the ongoing discussions on its reform, consider how best to promote system-wide action to promote and protect the right to development, for example including it for its consideration and conveying its conclusions to relevant international bodies, including the Bretton Woods institutions;

12. Also recommends that the Economic and Social Council deepen the review of all issues relevant to the implementation of the right to development, including the promotion of a favourable international and national economic environment;

13. Requests the United Nations High Commissioner for Human Rights, in his capacity as overall coordinator of United Nations human rights activities, to continue his dialogue with appropriate specialized agencies and bodies of the United Nations system with regard to the impact of their programmes and activities on the implementation of the right to development;

14. Reaffirms that the implementation of the Declaration on the Right to Development requires perseverance and concrete efforts and that this dynamic process should be pursued at all appropriate levels, including through the elaboration of international and national strategies, which requires the effective contribution of States, organs and organizations of the United Nations system and of non-governmental organizations active in this field;

15. Decides, to this end, to establish an intergovernmental group of experts with a mandate to elaborate a strategy for the implementation and promotion of the right to development, as set forth in the Declaration on the Right to Development, in its integrated and multidimensional aspects, bearing in mind the conclusions of the Working Group on the Right to Development, established by the Commission on Human Rights in resolution 1993/22, and the conclusions of the World Conference on Human Rights and of the four World Conferences (the United Nations Conference on Environment and Development, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women: Action for Equality, Development and Peace), and that:

(a) Such working group be established for a two-year period;

(b) The working group elaborate concrete and practical measures for the implementation and promotion of the right to development and submit a progress report to the Commission on Human Rights at its fifty-third session; the working group shall focus on the development of such a strategy, which should include recommendations for further practical measures for implementation and promotion, and report to the Commission at its fifty-fourth session;

(c) The members of the working group will be appointed on the basis of equitable geographical representation, in consultation with the regional groups, and of their competence and acquired experience in this field; and urges that they accomplish their mandate;

(d) The working group shall be composed of 10 experts, nominated by Governments, to be appointed by the Chairman of the Commission on Human Rights;

(e) The working group experts will be in consultation with the treaty bodies and with the United Nations High Commissioner for Human Rights on all issues relevant to the implementation of the right to development;

16. Calls upon the Secretary-General to ensure that the working group receives all necessary assistance, within overall existing resources, in particular the staff and resources required to fulfil its mandate;

17. Calls upon Governments, intergovernmental organizations and non-governmental organizations to envisage making voluntary additional contributions in order to strengthen support and execution of the activities linked to the implementation of the right to development;

18. Requests the Secretary-General to submit a report on the implementation of the present resolution to the Commission at its fifty-third session;

19. Decides to consider the question of the right to development at its fifty-third session under the agenda item entitled "Question of the realization of the right to development".

35th meeting
11 April 1996
[Adopted without a vote. See chap. VI.]

1996/16. Status of the International Covenants on Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 50/171 of 22 December 1995 and its own resolution 1995/22 of 24 February 1995,

Mindful that the International Covenants on Human Rights constitute all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the heart of the International Bill of Human Rights,

Having considered the report of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/1996/75),

Noting that many States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Bearing in mind the successful conclusion of the World Conference on Human Rights and the adoption of the Vienna Declaration and Programme of Action (A/CONF.157/23), and taking into account in particular the call for strengthening and further implementation of the human rights instruments,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in its article 41;

3. Invites the Secretary-General to intensify systematic efforts to encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to provide such services as may be sought by States that are not parties to the Covenants, with a view to assisting them to ratify or accede to them and to the Optional Protocols to the International Covenant on Civil and Political Rights;

4. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

5. Encourages States, in accordance with the Vienna Declaration and Programme of Action (A/CONF.157/23), to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate such reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

6. Also encourages States parties to review periodically any reservations made in respect of the provisions of the International Covenants on Human Rights with a view to withdrawing them;

7. Stresses to States parties the importance of avoiding the erosion of human rights by derogation, and underlines the necessity for strict observance of the agreed conditions and procedure for derogation under

article 4 of the International Covenant on Civil and Political Rights and the need for States parties to provide full and timely information also during states of emergency, so that the justification and appropriateness of measures taken in these circumstances can be assessed;

8. Expresses its satisfaction with the serious and constructive manner in which the Human Rights Committee and the Committee on Economic, Social and Cultural Rights are undertaking their functions, and welcomes further efforts of the Committees to improve their methods of work, as well as to pay due attention to equal enjoyment of human rights by women and men;

9. Welcomes the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar questions of human rights to accept these uniform standards as expressed in the general comments of the two Committees;

10. Takes note of the measures taken by the Committee on Economic, Social and Cultural Rights towards the elaboration of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights as recommended by the World Conference on Human Rights, and requests the Committee to submit a report on the matter to the Commission on Human Rights at its fifty-third session;

11. Urges States parties to fulfil in good time their reporting obligations under the International Covenants on Human Rights and in their reports to make use of gender-disaggregated data;

12. Also urges States parties to take duly into account, in implementing the provisions of the Covenants, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights;

13. Invites States parties to give particular attention to dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the observations made by the Committees at the conclusion of the consideration of the reports;

14. Encourages once again all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many languages as possible and to disseminate them as widely as possible in order to make them better known among the general public;

15. Requests the Secretary-General to consider ways and means of assisting States parties to the Covenants, with their agreement, in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the

preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

16. Also requests the Secretary-General to provide the Human Rights Committee and the Committee on Economic, Social and Cultural Rights with additional means to deal effectively and in a timely manner with the increasing workload;

17. Further requests the Secretary-General to submit to the Commission on Human Rights, at its fifty-third session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations;

18. Decides to include in the provisional agenda of its fifty-third session the item entitled "Status of the International Covenants on Human Rights".

35th meeting
11 April 1996
[Adopted without a vote. See chap. XIII.]

1996/17. Violence against women migrant workers

The Commission on Human Rights,

Recalling its resolution 1995/20 of 24 February 1995, General Assembly resolutions 47/96 of 16 December 1992, 48/110 of 20 December 1993, 49/165 of 23 December 1994 and 50/168 of 22 December 1995, as well as Commission on the Status of Women resolutions 38/7 of 18 March 1994, 39/7 of 31 March 1995 and 40/6 of 22 March 1996,

Taking note with concern of the report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twentieth session (E/CN.4/Sub.2/1995/28 and Add.1), in particular its observations with respect to the treatment of migrant workers,

Acknowledging the attention given to violence against women migrant workers in the report of the Special Rapporteur on violence against women, its external and internal root causes and its consequences (E/CN.4/1996/53),

Stressing that the promotion of the human rights of women constitutes an integral part of the human rights activities of the United Nations, as reaffirmed in the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights on 25 June 1993,

Welcoming the conclusions and recommendations made by recent international conferences, including the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for

Social Development and the Fourth World Conference on Women: Action for Equality, Development and Peace, on the promotion and protection of the rights and fundamental freedoms of women, including women migrant workers,

Noting the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families, as a consequence of poverty, unemployment and other socio-economic conditions, while recognizing that it is the duty of sending countries to protect and promote the interests of their citizens who seek or receive employment in other countries, to provide them with appropriate training or education and to apprise them of their rights and obligations in the countries of employment,

Concerned by the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some employers in some host countries,

Encouraged by some measures adopted by some receiving countries to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

Reiterating that acts of violence directed against women impair or nullify their enjoyment of their human rights and fundamental freedoms,

1. Determines to prevent and eliminate all forms of violence against women and girls;

2. Calls upon States to adopt measures for the effective implementation of the Declaration on the Elimination of Violence against Women, including applying them to women migrant workers, as well as all relevant measures emanating from recent world conferences;

3. Encourages States to enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society;

4. Also encourages States to adopt and/or implement and periodically to review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders, and to take measures to ensure the protection of women subjected to violence and that they have access to just and effective remedies, including compensation and indemnification and healing of victims, and for the rehabilitation of perpetrators;

5. Reiterates the need for States concerned, specifically the sending and receiving States of women migrant workers, to conduct regular consultations for the purpose of identifying problem areas in promoting and protecting the rights of women migrant workers and ensuring health, legal and social services for them, adopting specific measures to address these problems, setting up, as necessary, linguistically and culturally accessible

services and mechanisms to implement these measures and, in general, creating conditions that foster greater harmony and tolerance between women migrant workers and the rest of the society in which they reside;

6. Encourages States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Slavery Convention of 1926;

7. Requests the United Nations High Commissioner for Human Rights, the Centre for Human Rights and the Special Rapporteur on violence against women, as well as all relevant bodies and programmes in the United Nations system, when addressing the issue of violence against women to give particular attention to the issue of violence perpetrated against women migrant workers;

8. Welcomes the scheduled holding from 27 to 31 May 1996 of a United Nations expert group meeting on the issue of violence against women migrant workers, with the participation of the Special Rapporteur on violence against women, pursuant to General Assembly resolution 50/168, to submit recommendations for improving coordination of the various efforts of United Nations agencies on the issue of violence against women migrant workers and to develop concrete indicators as a basis for determining the situation of women migrant workers for submission, through normal channels, to the General Assembly at its fifty-first session;

9. Invites trade unions to support the realization of the rights of women migrant workers by assisting them in organizing themselves so as to enable them better to assert their rights;

10. Invites the Special Rapporteur on violence against women to continue to include among the urgent issues pertaining to her mandate the violence perpetrated against women migrant workers and to consider including her findings in her report to the Commission on Human Rights at its fifty-third session;

11. Decides to continue to consider the question at its fifty-third session under the relevant agenda item.

35th meeting
11 April 1996
[Adopted without a vote. See chap. XI.]

1996/18. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International

Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Concerned at the situation of migrant workers and members of their families and at the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights urges all States to guarantee the protection of all migrant workers and their families,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to the resolution,

Recalling also its resolution 1991/60 of 6 March 1991, in which it encouraged the Secretary-General to assume an active role in disseminating information on and promoting the Convention through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights and in cooperation with interested United Nations bodies,

Bearing in mind that the Vienna Declaration and Programme of Action (A/CONF.157/23) invite all States to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 1995/21 of 24 February 1995, the Commission requested the Secretary-General to submit to it at its fifty-second session a report on the status of the Convention,

Welcoming regional efforts aimed at promoting international cooperation in this field, and in particular the Regional Conference on Migration held in Puebla, Mexico, in March 1996 and the Mediterranean Conference on Population, Migration and Development to be held in Palma de Mallorca, Spain, in October 1996,

1. Takes note *of the report of the Secretary-General* on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1996/70);

2. Welcomes the fact that some Member States have signed, ratified or acceded to the Convention;

3. Calls upon all Member States to consider the possibility of signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that this international instrument will enter into force at an early date;

4. Requests the Secretary-General to provide, from within existing resources, all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

5. Invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Requests the Secretary-General to submit to the Commission at its fifty-third session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

7. Requests the United Nations High Commissioner for Human Rights to cooperate with regional and international organizations concerned with the protection of the rights of all migrant workers and members of their families;

8. Urges countries of destination to review and adopt, as appropriate, measures to prevent the excessive use of force and to ensure that their police forces and competent migration authorities comply with the basic standards relating to the decent treatment of migrant workers and their families, inter alia, through the organization of training courses on human rights;

9. Decides to include in the provisional agenda of the fifty-third session of the Commission the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

35th meeting
11 April 1996
[Adopted without a vote. See chap. XI.]

1996/19. Tolerance and pluralism as indivisible elements in the promotion and protection of human rights

The Commission on Human Rights,

Recalling General Assembly resolution 48/126 of 20 December 1993 in which the Assembly proclaimed the fiftieth anniversary of the establishment of the United Nations as the United Nations Year for Tolerance,

Recalling also the Preamble to the Charter of the United Nations, which calls for the practice of tolerance, peace and good neighbourliness to be pursued, inter alia, to promote social progress and better standards of life in larger freedom,

Recalling further the Vienna Declaration and Programme of Action (A/CONF.157/23), in which it is affirmed that it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Recalling the Universal Declaration of Human Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Aware that on the eve of the twenty-first century, the world is witness to historical and far-reaching transformations in the course of which forces of aggressive nationalism and religious and ethnic extremism continue to produce fresh challenges,

Aware also that all forms of discrimination, including on ethnic grounds, are factors that promote intolerance and infringe upon human rights and fundamental freedoms, which in turn may threaten democratic pluralism and endanger harmony, peace and stability both within States and internationally,

Mindful that religious intolerance may constitute a threat to the exercise of the right to manifest religion or belief in teaching, practice, worship and observance,

Drawing attention to General Assembly resolution 50/183 of 22 December 1995 on the elimination of all forms of religious intolerance,

Taking note of the reports of the relevant mechanisms of the Commission submitted at its fifty-second session,

Convinced that the guiding principles of democratic society, such as equality, the rule of law, accountability of government, the observance of human rights, respect for pluralism and the practice of tolerance, need to be actively promoted by the international community,

1. Reaffirms the obligation of all States to promote universal respect for, and observance of, all human rights and fundamental freedoms;

2. Also reaffirms the obligation of all States and the international community effectively to promote and protect all human rights and fundamental

freedoms of persons belonging to national or ethnic, religious and linguistic minorities without any discrimination and in full equality before the law, bearing in mind the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Calls upon States to promote and enhance tolerance, coexistence and harmonious relations between ethnic, religious, linguistic and other groups and to ensure that the values of pluralism, respect for diversity and non-discrimination are promoted effectively;

4. Condemns unequivocally all violent acts and activities that infringe upon human rights and fundamental freedoms, democracy, tolerance and pluralism;

5. Urges all States to take steps to counter all manifestations of hatred, intolerance and acts of violence, intimidation and coercion motivated by religious extremism and intolerance of religion or belief;

6. Calls upon States to promote a culture conducive to promoting and protecting human rights, fundamental freedoms and tolerance, inter alia, through education leading to genuine pluralism, a positive acceptance of diversity of opinion and belief and respect for the dignity of the human person;

7. Calls upon the relevant mechanisms of the Commission to attach the highest priority to the effective promotion of the values of democracy, pluralism and tolerance;

8. Emphasizes the need for mechanisms of the Commission to continue efforts aimed at identifying commonly accepted principles to curb intolerance and further study situations and conditions that promote intolerance;

9. Invites the United Nations High Commissioner for Human Rights and the Centre for Human Rights through its programme of advisory services and technical cooperation to advise or assist countries, upon request, to put in place effective safeguards, including appropriate legislation, to guarantee the full enjoyment of all human rights by all segments of their population, without discrimination of any kind;

10. Invites the Centre for Human Rights to include, in its work programmes, within overall existing resources, the promotion of tolerance, where appropriate through workshops and seminars, using mass media and non-governmental organizations and through its programme of advisory services and technical cooperation to assist countries in their national programmes;

11. Decides to consider this question at its fifty-third session under the relevant agenda item.

35th meeting
11 April 1996
[Adopted without a vote. See chap. XVI.]

1996/20. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, by which the Assembly adopted, without a vote, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Conscious of the need to promote and protect effectively the rights of persons belonging to minorities, as set out in the Declaration,

Recalling its resolution 1995/24 of 3 March 1995 on the rights of persons belonging to national or ethnic, religious and linguistic minorities, in which the Commission, inter alia, decided to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to minorities,

Noting that the Working Group held its first session from 28 August to 1 September 1995, and that its report (E/CN.4/Sub.2/1996/2) has been made available to the Commission on Human Rights,

Concerned by the growing frequency and severity of disputes and conflicts concerning minorities in many countries, and their often tragic consequences,

Also concerned that persons belonging to minorities are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Reaffirming the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law, in accordance with the Declaration,

Noting the positive initiatives and measures undertaken by many countries, as well as regional organizations, to protect minorities and promote mutual understanding,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

Noting that special representatives, special rapporteurs and working groups of the Commission on Human Rights have continued to give due regard, within their mandates, to the promotion and protection of the rights of persons belonging to minorities,

Aware that non-governmental organizations can play an important role regarding the protection of the rights of persons belonging to minorities,

Having considered the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1996/88),

1. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through the facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country;

2. Also urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;

3. Appeals to States that so wish to consider making bilateral and multilateral arrangements or agreements in order to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in their countries, in accordance with the Declaration;

4. Recognizes that respect for human rights and the promotion of understanding and tolerance by Governments, as well as between and among minorities, including through programmes of human rights education and public information, are central to the protection and promotion of the rights of persons belonging to minorities;

5. Calls upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

6. Requests the Secretary-General, in the implementation of the present resolution, to provide human and financial resources for such advisory services and technical assistance of the Centre for Human Rights, from within existing resources;

7. Calls upon the United Nations High Commissioner for Human Rights to promote, within his mandate, the implementation of the Declaration and to continue to engage in a dialogue with Governments concerned for that purpose;

8. Urges all treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to give due regard, within their respective mandates, to the promotion and protection of the rights of persons belonging to minorities;

9. Invites States, interested governmental and non-governmental organizations, special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to submit, as appropriate, contributions as to how they promote and give effect to the Declaration;

10. Calls upon States and the Secretary-General to give due regard to the Declaration in their respective training programmes for officials;

11. Encourages intergovernmental, as well as non-governmental, organizations to continue to contribute to the promotion and protection of the rights of persons belonging to minorities;

12. Expresses its expectation that the Working Group on Minorities of the Sub-Commission on Prevention of Discrimination and Protection of Minorities will continue to carry out its mandate as set out in Commission resolution 1995/24 of 3 March 1995, with the involvement of a wide range of participants;

13. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to make available to the Commission on Human Rights the annual report of the Working Group;

14. Requests the Secretary-General to provide the Working Group, from within existing resources, with all the necessary services and facilities to fulfil its mandate;

15. Calls upon States, intergovernmental organizations, United Nations bodies, specialized agencies and non-governmental organizations to participate actively in the work of the Working Group, including through written contributions;

16. Requests the Secretary-General to submit to the Commission on Human Rights at its fifty-third session a report on the implementation of the present resolution;

17. Decides to continue consideration of this issue at its fifty-third session under the same agenda item.

35th meeting
11 April 1996

[Adopted without a vote. See chap. XVI.]